

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

DONNA K. ROAM,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:08CV00129 SNLJ/AGF
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Currently before the Court is the motion of Defendant, the Commissioner of Social Security, to reverse and remand this Social Security disability case pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). This action was referred to the undersigned United States Magistrate Judge under 28 U.S.C. § 636(b) for recommended disposition.

Following a hearing on Plaintiff's application for disability insurance benefits and supplemental security income, alleging a disability onset date of April 7, 2001, an Administrative Law Judge ("ALJ") found that Plaintiff was not disabled. The decision of the ALJ became the final decision of the Commissioner, and Plaintiff sought judicial review of the adverse ruling. The Commissioner now states that agency counsel asked the Appeals Council of the Social Security Administration to reconsider the

Commissioner's decision, and that upon review, the Appeals Council determined that remand was appropriate because in determining whether Plaintiff was capable of performing any of her past relevant work, the ALJ improperly relied on work which Plaintiff performed outside of the relevant 15-year time period. The Appeals Council also determined that because the ALJ found that Plaintiff was limited to sedentary work and had no transferable work skills, a favorable decision was warranted as of November 27, 2001, the date upon which Plaintiff turned 50, based on the Commissioner's Medical-Vocational Guidelines. The Commissioner asserts that upon remand by the Court, the Appeals Counsel will issue a decision finding Plaintiff disabled as of November 27, 2001. Plaintiff consents to the Commissioner's motion to reverse and remand on this basis.

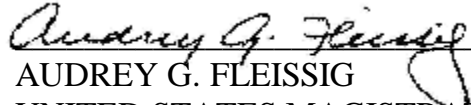
Title 42 U.S.C. § 405(g) provides, "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The Court finds that the Commissioner has made a sufficient showing of good cause to reverse and remand this case for further action.

Accordingly,

IT IS HEREBY RECOMMENDED that Defendant's motion to reverse and remand the case to the Commissioner for further proceedings be **GRANTED**. [Doc. #20]

The parties are advised that they have ten (10) days to file written objections to

this Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1), unless an extension of time for good cause is obtained.


AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 22nd day of May, 2009.